

SWEDISH FISHING BOAT "LILLY"

JANUARY 17, 1925.—Committed to the Committee of the Whole House and ordered to be printed

Mr. UNDERHILL, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 2458]

The Committee on Claims, to whom was referred the bill (S. 2458) to authorize the payment of an indemnity to the Swedish Government for the losses sustained by its nationals in the sinking of the Swedish fishing boat *Lilly*, having considered the same, report thereon with a recommendation that it do pass.

Attached herewith is Senate Report No. 561 which is made a part of this report.

[Senate Report No. 561, Sixty-eighth Congress, first session]

The Committee on Foreign Relations, to whom was referred the bill (S. 2458) to authorize the payment of an indemnity to the Swedish Government for the losses sustained by its nationals in the sinking of the Swedish fishing boat *Lilly*, having considered the same, report the bill with the recommendation that it do pass with the following amendment:

On page 1, line 8, after the word "*Lilly*," insert "or any other parties pecuniarily interested."

The payment of this claim, as a matter of grace and without regard to the question of legal liability therefor, has been recommended by the President in his message to Congress of January 3, 1924, printed as Senate Document No. 39, Sixty-eighth Congress, first session, which, with the accompanying report of the Secretary of State, is here printed as follows:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of Sweden against the Government of the United States on account of the sinking of the Swedish fishing boat *Lilly* by the U. S. Army transport *Antigone* off the coast of Denmark on March 23, 1920, and I recommend that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, January 3, 1924.

DEPARTMENT OF STATE,
Washington, December 31, 1923.

The PRESIDENT:

I have the honor to bring to your attention the claim presented by the Swedish Legation at this capital on account of the losses sustained by the owners and the crew of the Swedish fishing boat *Lilly* in the sinking of that vessel by the U. S. Army transport *Antigone* off the coast of Denmark on March 23, 1920.

The Secretary of War has submitted to the Department of State the following statement showing the responsibility of the *Antigone* for the sinking of the Swedish vessel:

"The fishing boat *Lilly* was at anchor, in a dense fog, off the coast of Denmark on March 23, 1920. The United States transport *Antigone*, carrying United States troops, was proceeding from Antwerp to Danzig. The *Antigone* was a German vessel, formerly the *Neckar*, interned at the outbreak of the World War and thereafter taken over by the President. The collision between the *Antigone* and the *Lilly*, resulting in the sinking of the *Lilly*, occurred at about 6.30 o'clock in the morning while the *Antigone* was moving through the water at a speed of 6 knots over the land, or nearly half speed.

"An investigation of all the facts and circumstances surrounding the collision, for the purpose of fixing responsibility, was made by a board of officers of the Army. The report of the board of officers that the *Antigone* was solely at fault for the collision has been approved by the Secretary of War. The grounds for holding the *Antigone* solely at fault were the violation of that part of article 16 of the international rules for prevention of collisions at sea enacted by the Congress (26 Stat. 236) which provides that 'Every vessel shall, in fog, mist, falling snow, or heavy rainstorms, go at a moderate speed having careful regard for existing circumstances and conditions,' and also that part of the good-seamanship rule, Article XXIX of the international rule, supra, requiring the keeping at all times of a proper lookout. The faults in the navigation of the *Antigone* were excessive speed in a fog and failure to keep a proper lookout."

It appears to be generally recognized in international practice that a government should make reparation for the damages done the nationals of other countries by its public vessels, and as the *Antigone* apparently was solely at fault in the sinking of the *Lilly*, it is believed that proper compensation should be awarded the owners and crew of the Swedish vessel on account of the losses sustained by them.

The claim as presented by the Swedish Government amounted to 29,000 kroner—25,000 kroner on behalf of the owners of the *Lilly* on account of the loss of the vessel and its equipment, and 1,000 kroner on behalf of each of the four members of the crew on account of the loss of personal effects sustained by them. The department, in considering the amount of the indemnity which might properly be recommended to Congress in this case, requested the American consul at Goteborg, Sweden, where the last inspection of the sunken vessel apparently was made, to submit to it any information that he might be able to obtain regarding the value of the *Lilly* and its equipment at the time of the collision.

The consul in a dispatch dated February 1, 1923, stated that although in his opinion the claim originally presented was not excessive, the owners of the vessel had agreed to accept 23,000 kroner in settlement of their claim for the loss of the vessel and its equipment, and the crew the sum of 3,381 kroner as compensation for the personal effects lost by them when the vessel was sunk. The consul pointed out that the vessel and its equipment at the time of the sinking represented an outlay of 19,776.74 kroner. He stated that the owners and crew of the *Lilly* are poor men who have had a difficult time in earning a livelihood since the loss of their vessel, over three years ago, and that the owners accordingly have been unable to pay the sum of 12,000 kroner owed by them on the purchase price of the vessel and its equipment. The consul recommended the acceptance of the offer of settlement made by the owners and crew of the *Lilly*.

The Swedish Legation has confirmed the willingness of the owners and crew to accept the sum of 26,381 kroner in full settlement of their claims.

As there seems to be no doubt regarding the responsibility of the *Antigone* for the sinking of the *Lilly*, and as the amounts claimed appear to be a reasonable measure of the losses sustained by the owners and crew, I have the honor to recommend that Congress be requested to appropriate, as an act of grace and without reference to the question of the legal liability of the United States, an amount which will be equivalent to 26,381 kroner, to pay the indemnity claimed in this case.

I may state that the Secretary of War concurs in this recommendation.

It will be noted from the inclosed communication from the Director of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of this Government.

A summary of the essential facts regarding the claim being embodied in this communication, it is deemed unnecessary to accompany it with copies of the correspondence in the case. All or any part of that correspondence will, of course, be furnished should the Congress so desire.

Respectfully submitted.

CHARLES E. HUGHES.

The PRESIDENT,
The White House.

BUREAU OF THE BUDGET,
Washington, December 18, 1923.

DEAR MR. SECRETARY: I have your letter of December 17, inclosing a copy of a proposed report to the President requesting that he recommend to Congress the authorization of an appropriation equivalent to 26,381 kroner, for the payment of a claim presented by the Swedish Legation on account of the loss sustained by the owners and crew of the Swedish fishing boat *Lilly* in the sinking of that vessel by the U. S. Army transport *Antigone* off the coast of Denmark on March 23, 1920, and asking whether the proposed action is in harmony with the financial policy of the President.

It gives me pleasure to advise you that the proposed legislation authorizing an appropriation equivalent to 26,381 kroner for the purpose stated is not in conflict with the financial program of the President.

Sincerely yours,

H. M. LORD, *Director.*

The SECRETARY OF STATE.

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